



United States Department of Agriculture  
Food and Nutrition Service

Southeast Region

**Reply to**

**Attn. of:** SERO Policy

May 13, 2005

**Subject:** Policy Memorandum 210.03-11; 220.03-01; 225.06-45: National School Lunch Program and School Breakfast Program Seamless Summer Option Authorization and Questions and Answers (Fiscal Year 2005)

**To:** All State Directors

National School Lunch Program (NSLP)

School Breakfast Program (SBP)

Summer Food Service Program (SFSP)

Southeast Region

The information below was issued directly to State agencies March 23, 2005. We are issuing this memorandum to incorporate the information into the SERO numbered policy system.

As authorized by the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265), the Richard B. Russell National School Lunch Act was amended to permanently allow public and private nonprofit school food authorities (SFAs) participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) to operate the Seamless Summer Option. The NSLP and SBP regulations (7 CFR Parts 210 and 220, respectively) are being revised to incorporate the Seamless Summer Option into the school meal programs. We expect to publish an interim rule with an extended comment period.

State agencies should continue to follow the FY 2004 procedures, except as otherwise noted in this guidance. Attached for your use and dissemination is the "Seamless Summer Option: Questions and Answers for State Agencies and School Districts". Although subject to change, we anticipate the NSLP and SBP regulations will reflect the guidance provided.

In order to maintain consistency with the NSLP/SBP, changes from previous guidance on redetermination of site eligibility, site monitoring by SFAs and determination of Severe Need Breakfast and \$0.02 differential during the regular school year have been made. These changes are reflected in Questions 15, 36 and 47 of the attached guidance.

Several new questions have been added to the attached guidance to reflect certain aspects of the FY 2004 Seamless Summer Feeding Waiver Application Prototype.

A waiver prototype application is not provided for FY 2005 as the Seamless Summer Option is no longer a "waiver". State agencies will need to amend their existing NSLP/SBP agreements and/or applications to include seamless summer as an option for SFAs. SFAs must have a written agreement with the State agency to administer the Seamless Summer Option.

If you have any questions, please contact this office.

PEGGY FOUTS  
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Special Nutrition Programs

Attachment

**National School Lunch Program and School Breakfast Program  
Seamless Summer Option:  
Questions and Answers for State Agencies and School Districts  
FY 2005 Edition**

**General**

**1. Q What is the Seamless Summer Option?**

**A** The purpose of the Seamless Summer Option is to encourage more School Food Authorities (SFAs) to provide meals during summer and other school vacation periods. This option combines features of the National School Lunch Program (NSLP), School Breakfast Program (SBP), and Summer Food Service Program (SFSP). The seamless option reduces paperwork and administrative burden, making it easier for SFAs to feed children in low-income areas during the traditional summer vacation periods and, for year-round schools, long school vacation periods (generally exceeding 2-3 weeks).

**2. Q What organizations may participate in the Seamless Summer Option?**

**A** Only SFAs administering the NSLP or SBP may participate in the Seamless Summer Option. However, with State agency approval, non-profit organizations may operate seamless summer sites under SFA sponsorships.

**3. Q Are States obligated to permit seamless operations?**

**A** Yes. The Seamless Summer Option has been formally incorporated into the NSLP and SBP and must be made available to qualifying SFAs.

**State Agency Approval of Seamless Summer Option Applications**

**4. Q What are the criteria for SFA participation in the Seamless Summer Option?**

**A** The SFA must be able to demonstrate administrative capability and financial viability to properly operate during long vacation periods. The State agency should not approve applications from SFAs that are considered to have significant problems operating either the NSLP or SFSP, or are determined to be seriously deficient in the administration of the SFSP or Child and Adult Care Food Program. Previous participation in the SFSP is not a requirement for participating in the Seamless Summer Option.

**5. Q What are the requirements for Seamless Summer Option site applications?**

**A** At a minimum, SFAs must submit the following information for each site to State agencies for application approval:

- a. Name, address, and phone number of site
- b. Indicate if the site operates on a year-round school calendar

- c. Free/reduced-price data to support site eligibility (at least 50% free/reduced-price)
- d. Type of site: open, restricted open, closed enrolled, migrant, or camp
- e. Organization that will operate the site for the SFA (if applicable)
- f. How meals will be advertised to the community (n/a for enrolled sites or camps)
- g. Type of meal, including day(s) of week and time(s) of day, served.

For the following two types of sites, in addition to the requirements of letters a-g above, SFAs must submit the following:

**For closed enrolled sites:**

- ? Identify all sites located in eligible areas
- ? Identify data used to qualify each site (school or census data in eligible areas, income eligibility applications in other areas)
- ? Explain why the SFA is sponsoring closed sites

**For camps:**

- ? Indicate type of camp, residential or non-residential
- ? Identify all camps located in eligible areas
- ? Explain why the SFA is sponsoring the camp
- ? Certify that the camp will only claim reimbursement for children that are determined eligible for free/reduced-price meals

**6. Q Can State agencies approve new school districts and sites for FY 05?**

A Yes.

**7. Q Can a State agency deny the seamless option application if a school has had problematic CREs in the past or problematic SFSP reviews?**

A Yes, the State agency should not approve the application of any SFA that has demonstrated problems operating the NSLP, SFSP, or any other child nutrition program.

**8. Q How should additions or deletions of sites be handled under the seamless option?**

A Any changes to the particular sites can be handled as an addendum to the initially approved application.

**9. Q Are State agencies required to provide training to SFAs approved to operate the seamless option?**

A There is no mandatory training, but FNS encourages State agencies to provide training and technical assistance to SFAs based on their assessment of the need for training.

**Site Eligibility**

**10. Q Can a SFA sponsor a site that is located outside of its district?**

A Yes, with State agency approval.

**11. Q Can a SFA sponsor non-school sites operated by other organizations?**

**A** Yes, with State agency approval.

**12. Q What sites are eligible for participation in the seamless option?**

**A** The following types of sites are allowed. Eligible sites are school or non-school facilities (buildings or outdoor locations) that are:

Open - located in eligible areas and open to all children through age 18 in the community, including sites in year-round schools;

Restricted open - located in eligible areas and open to all children through age 18 in the community but later restricted by the sponsor for security, safety, or control reasons, including sites in year-round schools;

Closed enrolled - located in eligible or non-eligible areas that are limited to a group of enrolled children through age 18, of which at least 50 percent are eligible for free or reduced-price school meals (academic summer schools closed to the community are ineligible to participate in the Seamless Summer Option);

Migrant - primarily serving children through age 18 of migrant families, as certified by a migrant organization; and

Camps - residential and non-residential camps that offer regularly scheduled food service as part of an organized program for enrolled children. Only meals served to children through age 18 who are eligible for free or reduced-price school meals (based on income eligibility applications) may be reimbursed.

**13. Q May closed enrolled sites located in eligible areas (i.e., those areas where 50 percent or more of the children are eligible for free or reduced-price school meals) qualify for participation based on area data?**

**A** Yes. Closed enrolled sites that are located in eligible areas may qualify for participation in the Seamless Summer Option using area data. This policy does not apply to residential or non-residential camps.

**14. Q Can sites qualify for participation in the Seamless Summer Option by using data other than a school's percentage of free or reduced-price enrollment?**

**A** Yes. The SFA may use census block group data as approved by the State agencies. FNS must approve the use of data from other sources, such as departments of welfare and education and zoning commissions, prior to use. Generally, we prefer that the most current data be used whenever possible (usually annual school data).

**15. Q Once approved to operate the seamless option, must site eligibility be redetermined each year?**

**A** Yes.

**16. Q Will the fact that schools under Provisions 2 or 3 do not have current eligibility data affect a school's eligibility to participate under the Seamless Summer Option?**

**A** No. We will accept data from a school site's base year to determine area eligibility. School sites must use the percent of eligible students, not the claiming percentages.

**17. Q Can a SFA limit its sponsorship just to school sites?**

**A** Yes. A SFA should match its sponsorship of sites with its financial and administrative capabilities. Where feasible, a SFA could enlarge its summer food service to children in the community by sponsoring non-school sites that are operated by non-profit organizations.

**18. Q Can schools operating an academic summer school, whether private or public, participate in the seamless option as closed enrolled sites?**

**A** No. If the school site provides meals only to enrolled summer school students, it is not eligible to participate in the seamless option. Meal services at academic summer school sites must be open to children in the community in order to qualify for the seamless option. Academic summer school meals remain eligible under the NSLP/SBP.

**19. Q What are the criteria to approve a closed enrolled site under the seamless option?**

**A** An approvable closed enrolled site could include any program for children, other than an academic summer school, provided that at least 50 percent of the enrolled children are eligible for free or reduced-price school meals. Examples of closed enrolled sites include recreation programs and enrichment classes or programs. The SFA could sponsor and operate these sites or sponsor sites that are operated by local government, school, or private non-profit organizations.

**20. Q Can a year-round school with short off-track breaks participate in the seamless option?**

**A** Yes, as long as the school is on a year-round/continuous schedule and the short off-track breaks are officially part of the school schedule.

### **Months of Operation**

**21. Q Can meals be claimed under the seamless option during winter or spring breaks or at other times when school is closed?**

**A** Schools operating on a traditional school calendar may not serve seamless summer meals during winter or spring breaks; schools operating on a year-round calendar may serve seamless summer meals during any scheduled school breaks that last at least 15 continuous school days, unless the school district schedules shorter periods of time for vacation breaks. Seamless summer meals may be served at non-school sites sponsored by the SFA during unanticipated school closures (see Q&A #22 for an explanation of this term). The months of operation for seamless summer meals are as follows for schools operating a traditional or year-round calendar.

Months of Operation for Schools on a Traditional School Calendar

- ? May through September, when school is not in session
- ? October through April for non-school sites that are responding to an unanticipated school closure (see Q&A #22)

Months of Operation for Schools on a Continuous or Year-Round Calendar

- ? During scheduled breaks that last at least 15 continuous school days unless the school district has scheduled shorter vacation breaks throughout the year
- ? Any time during the year for non-school sites that are responding to an unanticipated school closure (see Q&A #22)

**22. Q What is an unanticipated school closure?**

- A An unanticipated school closure is defined as a natural disaster, unscheduled major building repair, court order relating to school safety or other issues, labor-management dispute, or other similar cause as approved by the State agency. As mandated by the National School Lunch Act, meals provided during an unanticipated school closure must be served at a non-school site.

**Meal Service**

**23. Q What is the age requirement for children participating in the Seamless Summer Option?**

- A All persons in the community who are 18 years of age and under and those persons over age 18 who meet the State agency definition of mentally or physically disabled may receive meals under the Seamless Summer Option.

**24. Q Can a seamless summer site charge for meals served to eligible children?**

- A No. Meals at all approved seamless summer sites, except camps, must be served free of charge to all children. SFAs that sponsor camps may charge for the meals served to children who are not eligible to receive free or reduced-price school meals.

**25. Q What are the types of meals that may be served under the Seamless Summer Option?**

- A Breakfast, AM snack, lunch, PM snack and supper may be served under the Seamless Summer Option. Meal planning must follow one of the Menu Planning Options under the SBP and/or NSLP.

**26. Q How many meals are reimbursable under the Seamless Summer Option per day?**

- A A maximum of two meals, such as lunch and breakfast, or lunch and a snack, or breakfast and a snack, may be served per day to children at all sites, except migrant sites and camps. At migrant sites and camps, a maximum of three meals may be served, such as breakfast, lunch, and a snack. Only migrant sites and camps may be reimbursed for lunch and supper served to the same children on the same day. For camps, both residential and

non-residential, only the meals served to income eligible children (based on free/reduced-price applications) will be reimbursed.

**27. Q What meal pattern/menu planning system is to be used for a supper meal under the Seamless Summer Option?**

A Any of the options available in the NSLP regulations.

**28. Q Are there designated meal periods for seamless summer sites?**

A Yes. Meal times for breakfast and lunch must follow the designated times in the SBP and NSLP regulations, §§ 220.2(b) and 210.10(f), respectively. According to § 220.2(b), breakfast must be served to a child in the morning hours. Lunch must be offered between 10:00 am and 2:00 pm, as provided in § 210.10(f). Supper meals must begin before 7:00 p.m. and end by 8:00 p.m. Snacks must be evenly and adequately spaced between other meal service times to minimize food waste and ensure good nutrition practices.

**29. Q Will a-la-carte sales be allowed at the same time that the seamless option meals are being served?**

A Yes. The NSLP meal service rules are in effect, although a-la-carte sales are not encouraged during summer meal service. Children should be encouraged to participate in the meal service being offered before they pay for a-la-carte items.

**30. Q Can meals be served on weekends under the seamless option?**

A Yes, with State agency approval. A SFA that plans to serve weekend meals in the Seamless Summer Option should include this information in its application.

**31. Q Can a school participating under the Seamless Summer Option as an open site serve staggered meal times for community children and school children attending summer school?**

A Yes, but it must be the same meal service (i.e., food served, length of serving time, eating area, etc.).

**32. Q Must a school differentiate between meal counts for on-track (NSLP) and off-track (seamless) students in year-round sites?**

A Yes. Since all off-track students at seamless summer sites receive meals free of charge, the school must be able to distinguish between them and the on-track students who may be paying reduced or full prices for their meals. The school must also distinguish the different tracks because off-track meals are reimbursed at the free rate and the on-track meals are reimbursed at the free, reduced or paid rates.

**33. Q Are seamless summer sites required to get permission from the State agency prior to a field trip?**

A Only if required by the State agency; there is no Federal requirement in the NSLP that SFAs must obtain permission prior to serving meals on a field trip.



**34. Q Is offer versus serve allowed at seamless summer sites?**

A Yes. The SFA may allow offer versus serve, but is not required, at seamless summer sites.

**35. Q Are second meals reimbursable at seamless summer sites?**

A No. Like the SBP and NSLP, second meals are not reimbursable in the Seamless Summer Option and may not be claimed for reimbursement.

**Local Level Monitoring**

**36. Q When must seamless summer sites be reviewed by the SFA?**

A Each year SFAs are required to review seamless summer sites at least once during the site's operation. The SFA must review the site's compliance with meal counting, claiming, and meal pattern requirements.

**37. Q Do SFAs have to conduct edit checks, as required under §210.8 of the NSLP regulations, for seamless summer sites?**

A No. Edit checks will not be required for the seamless summer sites during the period of time that the SFA is operating the sites under the Seamless Summer Option rules. However, SFAs should ensure that meal counts match participation and claims reflect the number of meals served. During non-seamless summer periods, the SFA must conduct edit checks outlined in §210.8.

**State Level Monitoring**

**38. Q Are State agencies required to review seamless summer sites?**

A Yes. State agencies must review at least one seamless site in operation at all SFAs scheduled for CRE review during the previous School Year (SY) or current SY. This may involve a second visit to the SFA to evaluate the seamless summer site in operation. For example, the review of seamless summer sites could be conducted as follows:

<u>CRE review</u>	<u>Seamless summer site review</u>
SY 2004/2005	summer of 2004 or 2005
SY 2005/2006	summer of 2005 or 2006

State agencies are not required to conduct annual reviews of SFAs that operate under the seamless option or any special reviews for SFAs outside the normal CRE review schedule. However, State agencies are encouraged to review seamless summer sites even if a CRE is not scheduled for that SFA, especially if concerns arise about management of the seamless summer operations. SMI reviews are not required for seamless summer sites.

**39. Q Can a CRE be scheduled during the summer to avoid making the second visit to the seamless summer site?**

**A** Only if the school is operating the NSLP on a year-round basis.

**40. Q Do findings from seamless summer sites, reviewed on a CRE, contribute to CRE thresholds?**

**A** No. Findings from a review of a seamless summer site should not be incorporated into the CRE report or the annual FNS-640 report; a separate report on these findings should be issued to the SFA as an addendum to the CRE report.

**41. Q How should States review seamless summer sites when conducted during a CRE?**

**A** States should determine the best method to evaluate the certification (in closed enrolled sites), meal count, and meal service procedures of the seamless summer site. Although it is not required, the State agency may choose to validate a claim of the seamless summer site.

### **Program Access**

**42. Q What can be done to ensure that SFAs operating an academic summer school make a concerted effort to attract children from the community who are not attending summer school?**

**A** Both in the approval process and in the review of sites, State agencies should ensure that schools approved as seamless summer sites make a reasonable effort to advertise the availability of free meals to children in the community who will not be attending summer school.

SFAs applying for the Seamless Summer Option must describe how each site will advertise the availability of meal services to children in the community. The SFA should provide enough detail in its application so the method of advertising meal services to the public can be documented and confirmed later during a review by the State agency or FNS. For example, if the SFA stated that seamless summer site meals would be advertised in a publication, a copy of the advertisement should be available. Other examples would include documentation of public service announcements by radio or television stations, and copies of flyers provided to students or mailed to students' parents.

During a scheduled CRE, the State agency should observe community participation at the site and attempt to confirm whether the school site advertised meals as described in their application.

**43. Q If a school does not want to open its cafeteria to children in the community, can it serve its summer school children in the cafeteria and the other children outside somewhere, for example, in a park across the street or on the school playground?**

**A** No. If the school does not want to open its meal service to children in the community who are not attending summer school, that school is not eligible to participate in the Seamless Summer Option. Regardless of the location of the site, whether in the cafeteria of the school or in the park across the street, the same facilities must be used to feed both groups of children.

### **Reimbursement Rates**

**44. Q Which reimbursement rates are used in the Seamless Summer Option?**

**A** Meals served under the Seamless Summer Option are reimbursed at the “free” rates prescribed by USDA for the NSLP (including snacks) and SBP. Supper meals are reimbursed at the NSLP’s free lunch rate.

Meals served at camps that are approved as seamless summer sites are reimbursable only for children who are eligible for free or reduced-price school meals. Camps participating in the Seamless Summer Option may not claim any meals at the NSLP paid rate for campers who are ineligible for free or reduced-price school meals.

**45. Q Will qualifying schools continue to receive the severe need breakfast rates under the seamless summer operations?**

**A** Yes.

**46. Q Will schools participating as seamless summer sites continue to earn the commodity entitlement under NSLP?**

**A** Yes. Schools will receive the full commodity allotment for both lunches and suppers.

**47. Q Will schools participating in the seamless option still receive the extra \$.02 differential for lunch and supper meals?**

**A** Yes. In addition, all lunches claimed during the regular school year and under the seamless option may count toward the determination of the district’s eligibility for the extra \$.02 differential and the site’s eligibility for the severe need breakfast rate.

**48. Q What rates will non-school sites receive?**

**A** In most cases, the SFA will receive the same reimbursement rates for non-school sites as for the school sites. When different schools within the SFA’s jurisdiction qualify for different rates, such as the severe need breakfast rate, then the non-school site will earn the same reimbursement rates as the nearest school. If the SFA is sponsoring a school that is outside its jurisdiction, the SFA will receive the same NSLP reimbursement rates that the school site earns during the regular school year.

**49. Q Since there is no supper rate in the NSLP, what will be the reimbursement rate for suppers under the seamless option?**

**A** The NSLP free lunch rate, including commodities and, if the SFA is qualified, the \$.02 differential.

**50. Q When may SFAs begin claiming seamless summer rates (i.e., the free rates for all meals)?**

**A** Once the regular school year is over or, in the case of year-round schools, during the breaks throughout the year for off-track students.

### **Reporting**

**51. Q How will SFAs report the meals served in the Seamless Summer Option to the State agency?**

**A** SFA's should follow the format of reporting seamless summer meals as prescribed by the State agency, e.g. online reporting.

**52. Q How will meals in the Seamless Summer Option be reported to USDA, FNS by State agencies?**

**A** Meals will be counted as the number of reimbursable free meals served monthly under the seamless option. State agencies should report the number of meals served by type on the FNS-10 electronic report as follows:

? Include lunches and suppers served under the seamless option in the meals reported on lines 5a and on line 5b, if applicable, of the FNS-10.

? Include snacks served under the seamless option on line 5c only (do not include them in the subtotal for Area Eligible Snacks on line 5d).

? Include breakfasts served under the seamless option on line 6 and on line 7, if applicable.

**53. Q On which FNS-10 reports should State agencies include Seamless Summer Option activity?**

**A** Seamless Summer Option activity should be reported on both the 30-day and 90-day reports for each month that seamless summer meals are served. For the 30-day, report the total of actual and estimated meals; for the 90-day, report actual meals only.

**54. Q Since the new NSLP and SBP rates for the upcoming SY are effective for July, how would the claims for June and July be handled?**

**A** State agencies should refer to the NSLP regulations, at 7 CFR 210.8(c)(1), for combining claims of months with Seamless Summer Option activity. Since the NSLP rates change on July 1, the June and July claims cannot be combined. June meals served under the

seamless option would be included in the same claim as regular NSLP meals for June. If the SFA did not operate the regular NSLP in June but operated the seamless option for 10 days or less, it could combine the June seamless summer meals on the May claim. Conversely, if it operates the seamless option for 10 days or less during July, it could combine the July and August claims.

**55. Q How will State agencies report the seamless site meals on the SF-269 report?**

**A** Since seamless meals are claimed under the NSLP and SBP on the FNS-10, financial activity related to these meals must also be reported under these programs on the SF-269. The seamless summer site meals will be reported on the SF-269 as follows:

- ? Report Status of Funds for lunches, suppers, and snacks in Column 14 - School Lunch;
- ? Report Status of Funds for breakfasts in Column 15 – School Breakfast.

**56. Q Can a Food Service Management Company (FSMC) under contract with a SFA for NSLP meal service handle the same administrative tasks for meals served under the Seamless Summer Option?**

**A** Yes, assuming that the contract covers summer meal service under the NSLP. FSMC personnel would follow the NSLP regulations at §210.16, which describe permissible administrative tasks that the company can perform on behalf of the SFA.